

FISCHETTI
& MALGIERI LLP
Attorneys at Law

747 Third Avenue, 20th Floor
New York, NY 10017
212-593-7100 Tel
212-758-2809 Fax
www.fischettilaw.com

Ronald P. Fischetti
Phyllis A. Malgieri

July 23, 2012

VIA ECF

Honorable Carol B. Amon
Chief United States District Court Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Vincent Badalamenti
Criminal Docket No. 12-050 (S-1)(CBA)

Dear Chief Judge Amon:

I submit this letter in response to the Government's letter submission dated July 23, 2012 concerning Mr. Badalamenti's upcoming sentencing. The government correctly points out that footnote 7 of our initial submission, dated July 11, 2012, omitted the word "other" from the citation to Paragraph 26 of the Presentence Report. We apologize for this oversight and assure the Court that it was inadvertent.

Notably absent from the government's submission is any response to the defense submission dated, July 19, 2012 in which we requested that the Court Order the government to disclose the relevant portions of the grand jury minutes from the instant proceeding as well as from Mr. Badalamenti's prior case which had occurred before Judge Garaufis. We respectfully submit that this issue (that Mr. Badalamenti's instant offense conduct stems from the same criminal conduct to which he pled guilty in 2003) remains the most significant issue to be decided by Your Honor when fashioning the appropriate sentence for Mr. Badalamenti in the instant case. Thus, we reiterate our request for disclosure of the relevant grand jury transcripts.

Respectfully Submitted,

/s/

Ronald P. Fischetti